
أعمال تخرج صاحبها من الملة

Actions Which Expel The Doer From The Religion

Based upon the Lectures and Book by
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The First Introduction

The Definition of Īmān.. And A Clarification That It Is Belief, Sayings and Action.

There is no difference of opinion amongst the Ulemā' that you must believe to have Īmān. There are numerous ayahs in the Qur'ān which speak about the Munāfiqīn and that their state in the hellfire is of the lowest levels because they do not believe in their hearts though they show Islām in their speech and actions. And Allah (swt) says:

When the hypocrites come to you (O Muhammed (saw)), they say: "We bear witness that you are indeed the Messenger of Allah." Allah knows that you are indeed His Messenger and Allah bears witness that the hypocrites are liars indeed. They have made their oaths a screen (for their hypocrisy). Thus they hinder (men) from the Path of Allah. Verily, evil is what they used to do. That is because they believed, then disbelieved, therefore their hearts are sealed, so they understand not. [EMQ al-Munāfiqūn:1-3]

Imam Qurtubī and others have said, *they come speaking words of belief but they do not have belief in the heart.*

Another interesting point we can take from this ayah as well is that Allah (swt) affirms their Īmān because of what they used to say i.e. speech (...**That is because they believed**) and then negates their Īmān (...**then disbelieved**) due to the Kufr in their belief. So this can also be used as evidence for speech being part of Īmān but will be covered in the next point. And as well Allah (swt) says:

Verily, the hypocrites will be in the lowest depths (grade) of the Fire; no helper will you find for them. [EMQ an-Nisā':143]

Similarly of the evidences that prove that belief is part of Īmān is the statement of the Messenger (saw); *Every action is by intention and for every person is what he intended.*

It is also reported in Bukharī that the Messenger (saw) said: *The one who says the Shahādah truthfully in his heart, Allah has forbidden hellfire for him.*

There are many evidences indicating that the belief enters into the definition of Īmān, the matter of this is agreed upon by everyone even the Murji'ah. However amongst the Murji'ah there are the Qaramiyyah who have disagreement about this and they say you become Muslim just by saying the Shahādah, regardless of the Kufr beliefs you have. This Madh'hab is rejected from every angle by ration and by text. Unfortunately in our times we do not find any group calling themselves Qaramiyyah however they hold the same ideas as them and no matter what Kufr and Shirk some fall into and openly show Kufr and Shirki beliefs, the fact that they have said Lā-Ilāha-Ilallāh, Īmān will be confirmed for them as they are on the Manhaj and ideas of the Qaramiyyah in their speech and actions, though they do not explicitly label themselves as such, as we know ourselves and can picture this idea being prevalent today and this danger needs to be countered and warned against.

Speech is part of Īmān.

Speech here is the statement of the tongue testifying the Shahādah of Tawhīd, Lā-Ilāha-Ilallāh-Muhammedu-Rasūlullah. And we know we must say the Shahādah to enter into Islām and if one does not say the Shahādah he cannot enter Islām. There is something else which can be evidence of the Islām of someone other than saying the Shahādah and that is the Salāh. So if we see someone praying we bear witness that he is Muslim even though we do not know if he has said the Shahādah or have never heard him say the Shahādah. As the Messenger (saw) said: *Whoever prays our prayer, faces our Qiblah and eats our slaughtered meat he is Muslim.* [Agreed upon] Also by reciting the Salāh you are also saying the Shahādah of Tawhīd as it is included within the prayer.

Another evidence of speech being a part of Īmān is the Invitation of the Messenger (saw) to his uncle Abu Tālib as mentioned in Sahīh Muslim and others. When Abu Tālib was in his death bed, the Messenger (saw) went to him while Abu Jahl was sitting beside him. The Messenger (saw) said, *"O my uncle! Say: None has the right to be worshipped except Allah, and I will testify for you on the day of judgment."* Abu Jahl and 'Abdullah bin Umaya said, *"O*

Abu Talib! Will you leave the religion of 'Abdul Muttalib?'" So they kept on saying this to him so that the last statement he said to them (before he died) was: "I am on the religion of 'Abdul Muttalib." Then the Prophet said, "I will keep on asking for Allah's Forgiveness for you unless I am forbidden to do so." Allah (swt) revealed ayah prohibiting this,

'It is not fitting, for the Messenger and those who believe, that they should pray for forgiveness for Pagans, even though they be of kin, after it is clear to them that they are companions of the Fire.' [Surah at-Tauba 9:]

And Allah (swt) also revealed to the Messenger (saw), **'You cannot guide whoever you so will, it is Allah (swt) who guides whom He wishes.'** [Surah Qasas 28:56]

Abu Tālib never rejected the Messenger (saw) in his heart and he used to believe in him and aided his Da'wah in Makkah and despite showing belief via this and the way he dealt with the Messenger (saw) he never said the Shahādah and Allah (swt) confirmed no Īmān for him.

Another Evidence that speech is part of Īmān is the Hadīth of the Messenger (saw); *I have been ordered to fight the people until they say Lā-Ilāha-Ilallāh and Muhammed (saw) is the his messenger, and establish Salāt, and pay Zakāt, and if they do these things their blood and wealth is protected except by the Had of Islām.*

Imām Nawawi says regarding this Hadīth in his Sharh 1/212:

In this is that the condition of Īmān is to say the two Shahādah's with belief in them, and to believe in everything that the Messenger (saw) came with.

Ibn Taymiyyah in his Fatawa 7/609 states:

Whoever does not say the two Shahādah's with capability (Qudrah) he is a Kāfir by the agreement of all Muslims, whoever does not say it, is not Muslim, he is Kāfir both inner and outer according to the agreement of all the Ulemā' of the Salaf and the Majority of the scholars of the past.

And evidences regarding this condition are covered in our book *The Conditions of Lā-Ilāha-Ilallāh*, available in English so please refer to that, we mentioned it here so we can understand how the same evidences and the statements enter into the definition of Īmān.

Actions are part of Īmān

This is the significant matter which is debated against the Murji'ah and a matter of disagreement with our opponents and that is whether action is part of Īmān or not. We say the evidences speak about actions of the limbs which are defined as Īmān, Just as Allah (swt) says:

And Allah would never make your faith (prayers) to be lost (i.e. your prayers offered towards Jerusalem). Truly, Allah is full of kindness, the Most Merciful towards mankind. [EMQ al-Baqarah:143]

Here Allah (swt) mentions Īmān (وما كان الله ليضيع إيمانكم) and it is referring to Salāh and that is an action.

Imām Qurtubī in his Tafsīr 2/157 says regarding this ayah: Quoting Imām Mālik:

Whenever I remember this ayah the statement of the Murji'ah comes to mind who say; 'Indeed Salāh is not part of Īmān'.

In the Hadith narrated by Abu Hurayrah that the Messenger (saw) was asked; *'Which action is the best?'* the Messenger (saw) replied; *'To believe in Allah (swt) and his messenger.* Here the Messenger (saw) defined Īmān as action and the best of it.

It is narrated by Abu Hurayra that the Messenger (saw) said:

Īmān is seventy-some branches; the most virtuous of them is saying Lā-Ilāha-Ilallāh. The lowest of them is to remove a harmful thing from the walkway. And shyness is a branch of Īmān. [Collected by Muslim in his Sahīh 152]

In this Hadīth you can see that removing the harmful thing from the walkway is labelled as Īmān though we know this as an action.

And from the Hadīth of the Messenger (saw) when he met a delegation from the tribe of Qays, he (saw) said; *I order you to have Īmān in Allah.* He (saw) continued; *Do you know how to have Īmān in Allah?* The replied; *Allah and his Messenger know best,* the Messenger (saw) said; *To bear witness that there is no god but Allah and Muhammed is his messenger, to establish the Salāh, to give the Zakāt, to fast in Ramadhān and to give a fifth of the booty.* [Agreed upon]. Again the Messenger (saw) explained Īmān by actions that are mentioned in the Hadīth.

The Messenger (saw) said; *By Allah he is not a believer, the one whose neighbour is not safe from his evil.* [Bukharī] In this Hadīth the Messenger (saw) negated someone's Īmān because of harming his neighbour which we know is an action.

Imām Bukharī mentions in his Sahīh (regarding Īmān) that: *It is sayings and actions.* Somebody may ask that the Imām did not mention belief? We say; when he mentions *Qawol* It is that of the tongue and of the heart as well. When he says *Amal* he means actions of the heart and of the limbs.

Ibn Rajab in his Kitāb al-Qayim 'Jām'e Ulūm' states:

The Salaf used to attack and reject those who used to exclude actions from Īmān. And from those who rejected this and labelled them as making new innovations are; Sa'id Ibn Jubayr, Maymūn Ibn Muhrān, Qatādah, Ayūb Sakhtayānī, Ibrāhīm al-Nakh'eī, Zuhri Ibn Abī Kathīr and other then them. (from the Tābi'in)

Regarding the one expelling actions from Īmān: ath-Thawrī said:

It is a newly invented thought, those from before where upon other then this. Al-Awzā'eī said: *Those from before (Salaf) concluded there was no differentiation between Īmān and actions.* [Ibid]

Imām Shāfi'ī In his book Kitāb ul-Umm states:

There is consensus from the Sahābah the Tābe'in and from other then them, that Īmān is sayings, actions and intentions and one of them cannot exist without the other.

Ibn Rajab in his book *Fath Bārī Sharh Sahīh Bukhārī* 5/1 says:

The majority of the Ulemā' say; it is sayings and actions, and this is a complete Ijmā' (agreement) from the Salaf and the Ulemā' of Ahlul-Hadīth, as Shāfi'ī narrates the Ijmā' of the Sahābah and Tābe'īn upon it and Abu Thawr narrates Ijmā' upon it also.

This is enough for us to agree that Īmān being actions is from the Qur'ān, the Sunnah and the agreement of the Salaf and the Sahābah before and that we should take understanding on this by evidence.

There are a number of different classifications or wordings and definitions we may find in the books of the people of knowledge regarding what Īmān is and some of them maybe deficient in some areas. Some scholars say that Īmān is conviction in the heart (*Tasdīq ul-Qalb*) speech of the tongue (*Qawl bi-Lisān*) and actions being conditions (*Amalu bil-Arkān*). Even though this definition is almost correct it is deficient in some understanding. In Arabic there is a difference between *Tasdīq* (conviction) and *Itiqād* (belief). As we mentioned before Īmān is belief in the heart which encompasses all actions of the heart and not just *Tasdīq* which is conviction, rather it covers conviction, certainty, love, fear, hate etc not just to single it to *Tasdīq* only. Similarly with actions being part of Īmān we say all actions and not just the *Arkān* as mentioned which are referring to the five pillars.

The evidences are quite clear and explicit that the Messenger (saw) explains Īmān by actions in fact the words are intercalated i.e. actions being Īmān and Īmān being actions. After this how are people to come and say that actions are not part of Īmān when the Messenger (saw) stated otherwise. There are many evidences that speak about this matter and give evidence that all obedience to Allah and his Messenger are Īmān. Similarly the Ulemā' from the Salaf before have always mentioned that there is an agreement that Īmān is by belief sayings and actions.

With this understanding we can also appreciate the way that Īmān is affirmed by belief, sayings and actions, Kufr (disbelief) is also confirmed by belief, sayings and actions in accordance with the definition of Īmān. Unlike some who confirm the correct definition of Īmān but when it comes to Kufr they restrict it to taking place in the heart only,

contradicting themselves completely and this is the problem we have with the *Salafiyūn* of today. When they come with the definition of *Īmān* they come with the understanding and evidences of Ahlus-Sunnah and when they come with their definition of Kufr they come with the understanding and evidences of the Murji'ah and Jahm Ibn Safwān and the likes.

We say action is part of *Īmān*, if we leave any action does that mean we negated the *Īmān*? Is every action a condition of *Īmān* or not? There are three opinions on the matter.

The Khawārij and Extremists; they say every single action comes under *Īmān* so if you fall into the Kabā'ir the major sins you have negated your *Īmān*.

The Murji'ah: Who believe you can do what you wish and your *Īmān* will never be effected. The best of the Murji'ah would say by doing actions you would complete your faith however leaving it does not negate faith.

Both of these are upon the incorrect paths and Ahlus-Sunnah are between the two.

Ahlu-Sunnah: There are some actions if you fall upon them you negate your *Īmān* and there are other actions which complete your faith and by doing them you increase your *Īmān* and by not doing them you decrease your *Īmān* but it does not negate your *Īmān* like what the Khawārij say. There are also actions such as *Salāh* which if you do not do will cause you to lose your *Īmān*.

The Second Introduction

A Clarification That Īmān Increases And Decreases

We say; Īmān is belief, sayings and actions and it increases with obedience to Allah (swt) and decreases with disobedience to Allah (swt).

Actions differ amongst the people as to how much they do and do not do depending on how much they act upon. People could do deeds of obedience and their Īmān will go up and do deeds of disobedience and their Īmān will do down.

No one can come and say that I have performed all the actions that Allah (swt) has ordered as no one can do this. The more actions of obedience you do the more your Īmān increases and for this meaning there are plenty of evidences.

He it is Who sent down As-Sakinah (calmness and tranquility) into the hearts of the believers, that they may grow more in Faith along with their (present) Faith. [EMQ al-Fath:4]

...and We increased them in guidance. [EMQ al-Kahf:14]

And whenever there comes down a Sûrah (chapter from the Qur'ān), some of them (hypocrites) say: "Which of you has had his Faith increased by it?" As for those who believe, it has increased their Faith, and they rejoice. [EMQ-at-Tawbah:124]

So every time a Sûrah was revealed the Muslims would believe in it and follow it and by doing so their Īmān would increase.

In a Hadīth Shahīh, the Messenger (saw) said that: *The fornicator does not fornicate while fornicating and he is a believer. And the thief does not steal while stealing and he is a believer. And no one drinks wine while drinking wine and he is a believer. And the gates repentance are open after that.*[Bukhari & Muslim] So we see from this Hadīth how the sins effect, reduce and cause harm to the Īmān.

Imām Bukhārī said in his Sahīh: *Īmān is sayings and actions, it increases and decreases.*

Ibn Rajab in his book Fath Bārī Sharh Sahīh Bukhārī 1/8 says:

The increase and decrease of the Īmān is the speech of the majority of the scholars. And this speech has been reported by a group of the Sahābah like Abi Dardā'a, Abi Hurayrah, Ibn Abbās and other then them from the Sahābah.

On one occasion Abi Dhar al-Ghafārī said: O Messenger of Allah, how did you know that you became a Prophet after you were chosen by Allah (swt)? The Messenger (saw) said; O Abā Dhar, two angels came to me when I was in a place in the desert of Makkah and one came down to the earth, and the other angel remained between the sky and the earth. One of the two angels said to the other; Is this him? The angel replied yes. The angel said to the other, let's weigh him against another man, so they weighed him and the Messenger (saw) outweighed him. So they said let's weigh him against ten people and the Messenger (saw) outweighed them. Then weighed the Messenger against a hundred then a thousand and the Messenger (saw) outweighed them all and they were all thrown off the scales as they were outweighed so much. The angel said; If we were to bring the whole Ummah and weigh them against the Messenger (saw) the Messenger (saw) would outweigh all of them. [Dhārimī & Al-Silsilah Sahīhah 2531] What they are weighing here between the Messenger (saw) and other men is Īmān and this evidence is a refutation to those who say that the Īmān is equal in every person rather the evidence shows that there is no equality in it.

The Īmān is affected by two things, the first being the type of sin that is committed and the second is the size of the sin itself. There is no doubt that Shirk is the biggest sin that one can fall into which does what to Īmān? It negates Īmān completely and destroys any good actions that you have had from before.

Another point to mention is that the repetition of sin has a greater effect on Īmān than doing that sin just once. The one who drinks alcohol once that has effect on his Īmān but for the one who is alcoholic has a much greater damage. Likewise the one who does not rule by what Allah (swt) revealed once is on a completely different valley than the one who continuously does not rule by what Allah (swt) revealed.

Shaykh Nasirudīn Albānī (Rahimuhullāh) believed that whether a ruler rules by Kufr whether once or ten or hundred or Million times will not mean Disbelief unless he rejects it in his heart. We say: If you believe Īmān goes up and down then there is a obvious difference between the one who rules by Kufr once and a thousand times and there is no comparison between the two.

The Messenger (saw) said: *The one who dies an alcoholic will meet Allah (swt) as if he worshipped an idol.* [Narrated in Ahmad amongst Others, al-Silsilah Sahīhah 677]

And the Messenger (saw) said: *The Alcoholic will not enter Jannah.* [Ibn Hibān & al-Silsilah Sahīhah 678]

So you can see in these Hadīth that the Messenger (saw) has separated the two issues i.e. the one who drinks alcohol and the one who is an alcoholic. From this Hadīth someone may ask if he is not going to enter Jannah and dies as if he commits Shirk does that mean he has disbelieved i.e. become Kāfir?

We say; There are two explanations to this the first being that he makes it permissible *Istihlāl*. He loves and hates for the sake of alcohol like those who so with drugs and fights and commits aggression for its sake. If he reaches this level where he does anything for the sake of alcohol then we take the Hadīth on its apparent meaning that he is on the same level and the one who worships idols. The second explanation is for those who have not reached this level of addiction and is not the main purpose of their life, that in giving such statements it is trying to show the severity of the harm of the matter and is warning people of its great danger.

So the summary of what we mentioned is that the person who encompasses his whole life with sin and is continuous for him is different to the one who commits sins on a few occasions.

If Īmān increases and decreases, does that also apply to the Messengers and Muhammed (saw)? We say; the principal applies to all people. The Messengers and Prophets had

different levels of Īmān as well as the Angels. And the greatest from the Messengers are five, Adam, Nuh, Ibrāhīm, Isa and Muhammed (saw). The greatest out of the five are Ibrāhīm and Muhanmmmed (saw) and the greatest out of them both is Muhammed (saw) and this is what Ahlus-Sunnah wal-Jamā'ah agree upon. Despite all these evidences of the differences the Messenger (saw) ordered us not to speak in this way, saying one is better than the other. There is a difference between speaking generally in goodness about them and preferring them individually. It is narrated and we are allowed to say that the Messenger (saw).

The Third Introduction

Every Mu'min (Believer) Is A Muslim But Not Every Muslim Is A Mu'min

There is no difference of opinion on the fact that every true believer is Muslim. As the Messenger (saw) said in a Hadīth narrated by Bukhāri and others: *Inside the body is a organ if it becomes good the whole body becomes good. If it becomes bad the whole body becomes bad and it is the heart.*

Ibn Hajar in his *Fath* 1/128 says:

That is specific to the Qalb (heart) due to it being the Amir (leader) of the body. With rectification of the Amir (leader) the flock is rectified. And if his (the Amir's) fasād (evils), (the flock) becomes evil."

The reason why we say not every Muslim is a Mu'min is because somebody may come and do all the actions of Islām but in reality he disbelieves like the Munāfiq, who may show that he is Muslim but in reality he is a disbeliever hence not a believer. We say they hide their Kufr but it does not mean that they do not show Kufr, as actions are a reflection of ones inner belief. Their Kufr may be shown to the ones who agree with them in it and to those close to them. Nobody can live their life as a lie and he will have to show his Kufr and does so as well however he hides it to others to show he is Muslim. As for the Kāfir he shows Kufr on the outside as it is the same as his inner.

The Fourth Introduction

The Ruling of Kufr & Īmān is Built Upon the Apparent Not Upon the Hidden

If someone shows us Islām and that he is a Muslim we judge him upon that, he one who shows Kufr and does Kufr we rule and judge him with that. Rulings and Judgments are based upon the apparent actions and sayings be it action of Īmān or action of Kufr. Anyone who does actions of Kufr or Shirk and does not have preventions of Takfīr upon him we declare him as such, as a disbeliever. The evidence for this which we have already mentioned is the Hadīth of the Messenger (saw);

I have been ordered to fight the people until they say Lā-Ilaha-Ilallāh and Muhammed (saw) is the his messenger, and establish Salāh, and pay Zakah, and if they this their blood and wealth is protected except by the right of Islām. [Agreed Upon]

As you can see in the Hadīth, their blood and wealth is protected by the apparent actions of saying the Shahādah and establishing the Salāh and Zakāh.

Shaykh Ibn Taymiyah comments upon this Hadīth in his book Sārim-ul-Maslūl:

The meaning of it is I have been ordered to accept from them their apparent Islām and I leave their hidden matters to Allāh (swt). And the Messenger (saw) never used to establish the Hudūd by his own knowledge nor by the saying of one person, nor by Wahi (revelation), neither by evidences or witnesses except by the clear cut evidence or the confession of a person.

This is how the reality is established for those who are subject for Hudūd without any hint of doubt, then what about on that of Kufr and Apostasy of someone which is greater in severity? Do we declare that upon Ambiguity? Likewise we need to be just in the manner if not more serious in the same way of establishing certainty. It not allowed to establish such things on doubt

We are living in a time of two extremes, the first being those that are extreme in Takfīr who judge and rule people with Kufr quickly without checking and removing any doubts and they have the attributes and dealings of the extreme Khawārij as before. The second extreme being those when even one will fall into clear cut Kufr and Shirk they would

never declare Kufr regardless if the Kufr or Shirk is clear and there are not preventions. They comes with statements like 'have u checked his heart' though that is only possible for Allah (swt). Both of these are upon the incorrect path and are mistaken. The correct path of Ahlus-Sunnah is to judge people on the clear cut apparent not on the doubtful matters regarding the apparent or the inner. As the Messenger (saw) said; *Whoever prays our prayer, faces our Qiblah and eats our slaughtered meat he is Muslim and he is under the protection of Allah and his Messenger.* [Bukhārī]. So you can see how the Messenger (saw) used to rule and judge people on the apparent again as emphasized in this Hadīth, based upon their Salāh, eating of slaughtered meat and facing the Qiblah.

Another evidence which we base the ruling of someone upon the apparent and not the hidden is the Hadīth of Usāma Ibn Zayd.

Usāma ibn Zayd narrated, *"The Messenger of Allah, may Allah bless him and grant him peace, sent us to al-Huraqa, a sub-tribe of Juhayna, and we came upon the people in the morning at their springs. A man of the Ansār and I overtook one of their men. When we descended on him, he said, 'There is no god but Allah.' The Ansāri held back from him, but I stabbed him with my spear until I had killed him. When we arrived in Madina, that reached the Prophet and he said, 'O Usāma, did you kill him after he had said, "There is no god but Allah"?' I said, 'Messenger of Allah, he was only trying to save himself.' He said, 'Did you kill him after he had said, "There is no god but Allah"?' He continued to repeat it to me until I wished that I had not become Muslim until that day."* [Agreed upon]

In one variant, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Did he say, "There is no god but Allah" and yet you still killed him?' I said, 'Messenger of Allah, he only said it out of fear of our weapons.' He said, 'Did you then split open his heart so that you know whether he truly meant it when he said it or not?' He continued to repeat it until I wished that I had only become Muslim on that day." [Agreed upon]

Here it can be seen that the person killed by Usāma was upon doubt of what Usāma thought was his inner and not on certainty from that which was established from his apparent sayings and it was dispraised by the Messenger (saw) for that reason. The Murji'ah however understand this evidence in the completely incorrect and opposite way

to what is intended. They take the understanding that before you declare judgment you must check and open the persons heart, that is why you see when we declare a Tāghūt as Kāfir they say have you opened his heart? When the Messenger (saw) said *did you open heart*, this is evidence for the well know principle is that we judge the person on the apparent and the hidden we leave to Allah (swt) as we know, no one knows the affairs of the heart except Allah (swt).

Imām Nawawi in his Sharh 2/107 says:

And the saying of the Messenger (saw) '...did you open his heart' this is evidence for the well known principal in Fiqh and Usūl that we judge the action on the apparent and we leave the hidden to Allah (swt)

Abu Sa'īd al-Khudrī narrates in Sahīh Muslim: *Then there stood up a person with deep sunken eyes, prominent cheek bones, and elevated forehead, thick beard, shaven head, tucked up loin cloth, and he said: O Messenger of Allah, fear Allah. He (the Holy Prophet) said: Woe to thee. do I not deserve most to fear Allah amongst the people of the earth? That man then returned. Khālīd Ibn Walīd then said: Messenger of Allah, should I not strike his neck? Upon this he (the Holy Prophet) said: Perhaps he may be observing the prayer. Khālīd said: How many observers of prayer are there who profess with their tongue what is not in their heart? Upon this the Messenger of Allah (may peace be upon him) said: I have not been commanded to pierce through the hearts of people, nor to split their bellies (insides). He again looked at him and he was going back. Upon this he (the Holy Prophet) said: There would arise a people from the progeny of this (man) who would recite the Qur'ān glibly, but it would not go beyond their throats; they would (hurriedly) pass through (the teachings of their) religion just as the arrow passes through the prey. I conceive that he (the Holy Prophet) also said this: If I find them I would certainly kill them as were killed the (people of) Thamūd.*

Again we benefit from this Hadīth out of its many benefits in relation to our topic of discussion that being of judging upon the apparent and not being obliged or ordered to open the hearts of the people as we hear today.

Someone may ask, On the one hand it is said the man prayed Salāh and then he said went and insulted the Messenger (saw) so how do we weigh these together?

The statement of 'Fear Allah' we never say it to the Messenger (saw) we speak it to anyone else who is less than the Messenger (saw). Look to how the Messenger (saw) taught the Sahābah and taught us how to deal with these matters in relation to our topic of discussion. The Messenger (saw) replied to Khālid: *Perhaps he may be observing the prayer.* Look how his Salāh protected him and interceded for him and how it has good effects when you fall into mistakes and errors even major ones. Khālid Ibn Walīd fell into the same mistake as Usāma Ibn Zayd in wanting to judge upon the unclear in opposition to the apparent saying: *How many observers of prayer are there who profess with their tongue what is not in their heart?* We say how would Khālid Ibn Walīd know what is in his heart, the Messenger (saw) responded: *I have not been commanded to pierce through the hearts of people, nor to split their bellies (insides).* No doubt to speak against the Messenger (saw) as he did is grave and serious matter however the statement he said is not Kufr but at same time he said it to the Messenger (saw) upon whom it is not applicable and in a bad way. On the one side you have his Salāh which shows his apparent Islām, Tawhīd, Shahādah etc. On the other side you have this statement which is doubtful i.e. not clear cut as was his Salāh. So any matter which is doubtful Kufr on one side does not negate or outweigh that which is clear Islām on the other. Doubtful things cannot negate or delete the certain matters, the weak does not outweigh the strong, the acceptable does not outweigh the preferable.

Another question may arise that the Messenger (saw) mentioned in the Hadīth that If he finds these types of people he would kill them like the people Thamūd yet the Salāh protected him so why would that be the case?

We say; The Messenger (saw) was teaching the people that the judgment is upon the apparent and we do not judge people on what they may do in the future. The Messenger (saw) was aware from Wahī who the Munāfiqeen were, yet he did not kill them. The Salāh of the person protected him, but those who the Messenger (saw) mentioned that will come after will do things that will cause them to be fought against. Even Ali Ibn Abi Tālib did not respond and fight the Khawārij rather they are the ones who began fighting him. The evidence mentioned shows that they will fall into matters which will cause them to be fought against and killed.

Another evidence is the story of the prisoners of Badr, when the Messenger (saw) was speaking to Abbās Ibn Mutalib who was on the side of the Quraish and he was captured and this was his reality. The Messenger (saw) came to him and said: *O Abbās you are well off... pay for your own ransom and that of others.* Abbās said: *I am Muslim how are you telling me to pay ransom; those from the Quraish forced me to come and fight against you.* The Messenger (saw) said: *Allah knows your Islām, but your apparent affair is that you was fighting against us, so give ransom for yourself.*

From this Hadīth we can benefit that any Muslim who is standing on the side of the Kufār that are at war with you, you deal with him as if he is one of them. Abbās was the uncle of the Messenger (saw) and that did not help him and he was dealt with the same way the rest of the prisoners from the opposing side where dealt with in Badr. As well Abbās did not have the Islāmic excuse of compulsion because when Allah (swt) ordered the Hijrah he had ability to do so but did carry it out.

Narrated in Bukhāri by Reported by Umar Ibn al-Khatāb:

In the past we used to have people who used to be judged by the revelation in the time of the Messenger (saw). And now the revelation has stopped. Now we will judge you from the apparent of your actions in forgiveness and in punishment, so whoever shows to us goodness we will give him security and we have nothing to do with his hidden matters, and any one does evil we will punish accordingly even if he says his inner is in goodness.

What does Umar Ibn al-Khatāb (ra) mean by this? He means in a few situations the Islām of a few people in their hearts was confirmed by Wahī (revelation) from Allah (swt), though they where judged by Kufr on the apparent, an example of which is the incident of Hātib Ibn Abi Baltah. Forgiveness is a good thing and you give it to those who are deserving of it. From the angle of forgiveness the Messenger (saw) used the Wahī sometimes, for the angle of punishment he never used Wahī from Allah (swt). This is from the greatness of the characters of the Messenger (saw) that for forgiveness the Wahī would be used to certify the hidden and in terms of punishment the person would be judged upon his outer Islām though it was known to the Messenger (saw) through the Wahī, the Nifāq and Kufr of someone's inner.

Imām Tahāwī in text of Aqīdah Tahāwiya says:

And we do not accuse any of them of Kufr (disbelief), shirk (associating partners with Allah) or nifaaq (hypocrisy), as long as they have not openly demonstrated any of those things. We leave their secrets to Allah.

So if we want to judge someone as Kāfir we must judge it based on the clear cut disbelief from him not on the doubtful disbelief. There are people who do actions which are not clear cut Kufr and because of it being such you cannot make Takfīr upon that and the matter needs to be investigated thoroughly and the necessary rules and principles of Takfīr applied.

To make *Istihlāl* i.e. the Harām into Halāl and vice versa is known as clear cut Kufr. However a scholar may fall into this *Istihlāl* by making *Ijtihād*. We know Ibn Hazm the use of musical instruments, why did he do so? Did he do this because he wanted to reject what Allah (swt) ordered and oppose the judgment of Allah and his Messenger? Or was it the evidences that he understood related to the matter did not reach the level of correctness that he would accept to make it Harām? We find that for him the Hadīth were not on the level authenticity for him to conclude the forbiddance of the matter. Superficially it may seem that he as made *Istihlāl* which we know as clear cut Kufr but you see on investigation that matter is much different.

And this Manhaj is one that has been ordered by Allah (swt) as has been mentioned in the previous lessons on the Conditions of the Shahādah, of confirming the situation of those who say *Asalām Alaykum* to you at the time of battle as the matter is doubtful whether they are Muslims or not. But if a man is fighting with the Kufār against the Muslimīn is it our job to go and check if they are Muslims or not? We say; No, there is no clarification there as the action which is being done is clear cut Kufr in any case and not of that which is unclear, but if the situation is that there is doubt on which side he is upon then that is where the investigation is required.

The Fifth Introduction

The Reward On The Day Of Judgment Is Established In Accordance With The Actual Islām Not On The Ruling of Islām

Whilst someone is alive on the earth we will say he is Muslim (*Al-Islām al-Hukmī*) but that does not mean he will have success in the hereafter. The Islām that aides one in the hereafter is not simply being ruled as Muslim in this life, rather having actual Islām in both the inner and outer and Allah (swt) will account us based on that. However in this life we are only accounted by people upon the apparent. So a person can never really be protected from the fire except if he is practising Islām in its completeness, both inner and outer in accordance to the Sharī'ah of Allah (swt). One of the principles agreed upon by Ahlus-Sunnah wal-Jamā'ah is that we do not testify anyone to be definitely in the hellfire or heaven, as the hidden matters of the inside are not known to non except Allah (swt)

An issue which may arise is that we may agree we cannot bear witness that a Muslim is in Jannah or Jahanam however do we do the same for the Kāfir?. In this matter a lot of mistakes have been made by people and they use the principles that should be applied on only Muslims and apply them to the Kufār. They say the same way a Muslim dies and we cannot say whether he is Jannah or Jahanam likewise we cannot say the same for a Kāfir when he dies.

We say; the rulings are different upon the Muslim and Kāfir as Allah (swt) made clear in the Qur'ān that the Kāfir who dies upon Kufr will be in the Hellfire. So when we say they are in hellfire we are simply stating what Allah (swt) said about them.

As the Messenger (saw) said to a Bedouin who asked about his father. *'Whenever you pass by his grave, bear witness that he is Kāfir and in the fire.'* The Bedouin said: *The Messenger (saw) has entrusted me with difficulty, every time we pass by the grave of a Kāfir except that bear witness he in is the fire.*

But is it allowed to testify a Kāfir to hellfire before he dies?

We say; No, as we do not know what he will die upon so how can we say such. How many a times have we seen Kufār who fought against Islām yet later come to accept Islām and make *Tawbah* and Allah (swt) accepts it from them. So we base the ruling upon his end and we are not allowed to say that a Kāfir is in hellfire unless we know that he died upon Kufr.

How do we know a Kāfir died upon Kufr?

We say; We must look to the persons situation and all evidences surrounding it which will point to whether he died Kāfir or not. A person who was Kāfir all his life and never done anything to do with Islām and no body knows different we say he is person of hellfire.

Another point may arise is that you may not know what the situation of the person is. It maybe that he repented to Allah (swt) inwardly which you are unaware of but was afraid of declaring Islām for many different reasons we know of, sometimes new reverts hide their reversion because of fear etc.

We say; for us we follow the principles of Shariah and judge him upon the apparent and there is no harm for us in not knowing that he made *Tawbah* and his affairs will return to Allah (swt) and he (swt) deals with him accordingly as he wishes. So just because we declare him Kāfir and in hellfire upon the outer does not mean that will be the case in the hereafter and it is up to Allah (swt) to declare that in the hereafter but we are allowed to judge him as Kāfir as we believe that information has not reached us to show he is Muslim. So one side we have our principles and texts which we implement and if a mistake is made there is no problem with that as long as we try to adhere to the principles and will not effect his consequence in the hereafter.

The Sixth Introduction

The Relationship between the Inner and the Outer and Their Impact on Each Other

The evidences from the Qur'ān and Sunnah show that there is a link between what you do apparently and what you believe inwardly and whether positive and negative both have an effect upon each other. Allah (swt) says:

See you not how Allāh sets forth a parable? - A goodly word as a goodly tree, whose root is firmly fixed, and its branches (reach) to the sky (i.e. very high). Giving its fruit at all times, by the Leave of its Lord and Allāh sets forth parables for mankind in order that they may remember. [EMQ Ibrāhīm:24]

The goodly word here is the Shahādah i.e. the firm base or the roots. The Tawhīd is something that is firm in the hearts of the believers and not something light which is said on the tongue. As this tree has that which is the inner which we do not see i.e. the roots and that on the outer which we see i.e. the trunk and the branches, the Tawhīd also has in it what is in the heart and what is on the limbs.

Scientific knowledge states that the higher the tree is the firmer and deeper the roots are. Likewise with the Tawhīd and the way it manifests its branches, the amount you worship Allah (swt) outwardly shows the strength of the Tawhīd in the inner. If the tree is ten meters high it will have the equivalent strength in the roots to support that. Similarly with Tawhīd - what one does from the actions of Tawhīd, he will have the appropriate Tawhīd within his inner supporting that. So the amount you show on the apparent of your actions the more you will see the effect on your heart. Similarly the more Īmān and Tawhīd you have in your heart the more it will reflect in your actions

The strength of the roots will effect the outer of the tree. If the roots and the branches receive sun, oxygen, water and other goodness the better the roots and the outer will become. And like that with Tawhīd and Īmān, the more we benefit the Tawhīd in the heart we will see its fruits on the outer. Similarly the more you do actions of Tawhīd you will see the results in the heart as well. Each one effects the other and each of them is effected

by the other. If the heart dies the rest of the body dies as well, if the heart is living well and revives the whole body will be well and be revived. All of which has been mentioned is in similitude to the tree.

What distinguishes this tree that Allah (swt) mentioned is that it bears fruits all the time unlike most which work on a seasonal basis. And like that if the Tawhīd in the heart is firm the benefits on the outer will be continuous as well. There are certain acts of worship which you do that the reward will be for that time e.g. Hajj but the effects of the firmness of Tawhīd will be there forever and you will benefit from it continuously as it is the controller of all our sayings, behaviors and actions and it is present all the time and we cannot leave it for a second.

Another evidence which proves the principle mentioned in the Hadīth of the Messenger Muhammed (saw) who said; *There is in the body a clump of flesh - if it becomes good, the whole body becomes good and if it becomes bad, the whole body becomes bad. And indeed it is the heart.* [Bukhārī]

The Messenger of Allah (saw) said: *If the believer commits a sin, a black spot appears on his heart. If he repents, gives it up and seeks forgiveness, his heart is cleansed, but if he does more then (that spot) increases until it covers his heart. That is the Rān (covering of sin) which Allah mentioned in the Qur'ān: (Nay! But on their hearts is the Rān (covering of sins and evil deeds) which they used to earn) [al-Mutaffifīn 83:14] [Classed as Hasan by al-Albānī in Saḥīh al-Tirmidhī No.2654]*

From this we can understand how the actions you do has an effect on your heart. There is no way we can imagine someone who does evil actions and his heart is pure and clean. If the outer is full of evil and badness the inner must be full of evil and badness as well.

In another Hadīth the Messenger (saw) said; *The heart will be exposed to fitan (trials) again and again. The heart which is influenced by fitnah will have a black spot placed on it. And if the heart avoids the fitnah, there will be a white spot on it, until the heart is of two situations, one being the whole heart is pure and white and will not be effected by any Fitnah whatsoever. The other*

situation is one of blackness it will never know goodness and never reject evil, except that the person will do whatever from his desires. [Muslim, Kitāb ul-Īmān No.144]

And this Hadīth shows us an example of *ar-Rān* mentioned in the Hadīth and Ayah before, how the heart is completely covered in blackness and sin and is unable to accept good and never rejects evil.

The Messenger (saw) said; *A fornicator is not a believer while he is engaged in fornication, a thief is not a believer while he is perpetrating a theft, and an imbiber of wine is not a believer while he is engaged in drinking it. [Sahīh al-Bukhārī and Sahīh Muslim]*

We understand from this Hadīth that doing such actions is not Kufr and does not cause apostasy however it definitely has an effect on the Īmān of a person. Regarding this it is reported by Ikrimah in Bukhārī that Ibn Abbas was asked how Īmān is taken away in this situation and Ibn Abbās showed his two fingers together and then pulled them apart and said *like this... and if one makes Tawbah*, then he joined his two fingers back together. Ibn Abbās said; *Īmān is taken away in Zinā, when it stops the Īmān returns.*

We benefit from this principle many things. The apparent cannot move or do things without the heart moving into the same direction. We cannot imagine someone who is falling into sin and Kufr his heart still remains firm on Īmān. If someone is doing many good deeds, his heart is going in the same way. And we can use this principal in refutation against the *Murji'ah* who say that one can do so much Kufr and be full of it but still has Īmān in his heart, they break the link between the outer and the inner and the effect one has on the other.

The Seventh Introduction

The General Takfīr Does Not Require And Necessitate Specific Takfīr

General Takfīr does not always entail specific Takfīr but it is possible sometimes it could necessitate such. Takfīr maybe made generally but not specifically giving you time you apply the rules and preventions which are required for specific Takfīr. This is very important principle and has many evidences. We benefit from this that just because someone falls into Kufr it does not mean he is Kāfir. And we need to be able to distinguish between the statements of the Ulemā when they generally say this is Kufr and if you fall into it you become Kāfir and when they specifically label someone as Kāfir. Unfortunately if you say to someone this is a Kufr action they think you making Takfīr when that is not the case. As mentioned any preventions that are present must be removed as well as establishing and making clear the evidence against the Kufr before making Takfīr.

The scholars have spoken about a large number of preventions and it is a very big topic in itself however we can mention some of them as follows. One being a new believer or Muslim, a person living in far away place and there is no way for knowledge to reach him or for him to reach the knowledge, explaining away his Kufr with some interpretation and Ignorance. All these preventions you can unite them under one heading that being one has a inability and having a prevention to know what Allah (swt) wants him to do. If you look at all these things mentioned, there is the inability enabling them to know what is required. The accepted prevention in Shariah is that the inability is actually present in the person in the particular matter he has fallen in Kufr or what opposes the Islām, any preventions which people talk about which do not include this, they are not valid and accepted from the Shariah for example being busy and having love of the worldly matters as it is not rally a disability that prevents one from knowing Tawhīd and it is not accepted.

We have mentioned the establishing of Hujjah but what is that and how do we establish it. Hujjah is the Shariah knowledge what Allah (swt) and his Messenger (saw) said which will remove the inability of the person in the matter which he goes against Islām specifically. If you want to establish Hujjah on someone you have to establish it from Qur'ān and Sunnah on the matter he is ignorant about. For example if someone says

alcohol is allowed you must him give him clear evidences from Qur'ān and Sunnah showing its prohibition. [Refer to section Establishing the Hujjah in the English document, The Conditions of Lā-Ilaha-Ilallāh.] And this is a simple summary of the whole two matters of removing preventions and establishing Hujjah but are covered in much detail and many evidences and what Ahlul-Ilm stated about the them in our books, '*Qawā'id Fī Takfīr*' & '*Al-Udhur Bil-Jahil Wa Qiyāmat ul-Hujjah*'.

The Seventh Introduction

Every Action Which Is The Condition Of Correctness Of Īmān, If You Leave It, It Is Kufr. Every Action Which Is Kufr, Doing The Opposite Is A Condition of The Correctness of Īmān.

An example of the first mentioned principle is Salāh which is an action which is a condition of Īmān and leaving and abandoning it is Kufr. Another example is arbitrating to the Shari'ah and being pleased with it is from Īmān. Abandoning this and going to arbitrate to man made laws is Kufr. Likewise to declare disbelief in Tāghūt is a condition for correctness of Īmān and if you leave it that is Kufr. So any action which is a condition for the correctness of Īmān leaving it is Kufr.

With regards to the second part of the principal, going to man for law and order and ruling by that is Kufr... however leaving that is condition of Īmān. Laughing swearing and insulting the Qur'ān and Allāh (swt) and his Messenger (saw) is Kufr and leaving and doing the opposite of that is a condition for the correctness of Īmān. So any action which is Kufr, leaving it and staying away from it is condition for correctness of faith.

Someone may ask if it is the case that every action which is Kufr we have to leave and do opposite for the correctness of Īmān does that not entail that there are more conditions for the Shahādah then ones already mentioned? We say, not every action is a condition by itself rather they all as a totality come under the condition of Acting with Tawhīd.

The First Action:

Ruling by Other Then What Allah (swt) has Revealed

One of the actions which causes someone to be expelled from Islām is ruling by other than what Allāh (swt) revealed. By saying this, do we mean that every type of ruling by other than Shari'ah takes you outside of Islām or are there more details to it. The people are divided on this matter.

1. Any type of ruling by other than what Allāh (swt) has revealed causes you to leave Islām. This understanding is that of the Khawārij and the extremists.
2. All types of ruling by other than the Shari'ah are not Kufr and that is the opinion of the Murji'ah of today.
3. The middle path which is between the two, the path of Ahlus-Sunnah wal-Jamā'ah in Ruling by other than what Allāh has revealed, there is that of Kufr Akbar which expels you from Islām and there is that of Kufr Asghar which does not expel you from Islām.

This is a topic which is an important one is talked about a lot and has disagreement amongst the students of knowledge and Scholars and how it is applied to our reality. It has much detail which we will explain as follows.

The First Type: Ruling By Other Than What Allah Revealed (Kufr Asghar)

He generally rules by what Allāh (swt) revealed however in one or a few matters he does not do so because his desires or needs and wants overcome him. But whilst doing so he knows that he is doing wrong and is in sin. He does not say the wrong he is doing is allowed, he does it in knowledge of error, neither does he deny what Allāh (swt) says, neither does he beautify the *Harām* that he does. Nor does he reject the *Hukm* of Allāh. So his situation is like the person who has fallen into sin. Like the person who does *Zina* or steals and recognises that he has fallen into sin, likewise with the ruler. Unlike someone who steals and believes it is allowed and sees no problem with it and beautifies it and does not care what the Shari'ah says etc this is not attributing of Kufr Asghar. For the one who falls under these attributes that we mentioned he comes under the description that falls under *Kufr Asghar* or *Kufr Dūna Kufr* and upon these attributes statement of Ibn Abbās is applied the Riwayahs of which are as follows.

Hākim in his Mustadrak with a Sahīh chain to Ibn Abbās (ra) who said; *It is not the Kufr which you are going to; It is not the Kufr which removes you from the Millah, (And whosoever does not judge by what Allāh has revealed, such are the Kāfirūn). Kufr without Kufr.*

(And whosoever does not judge by what Allāh has revealed, such are the Kāfirūn) *This is Kufr but not the Kufr in Allāh his angles and prophets.*

Imām Tabari in his Tafsīr, narrated from Atā' Bin Abī Rabāh he said: **(And whosoever does not judge by what Allāh has revealed, such are the Kāfirūn)** *this is Kufr less then Kufr, Fisq less then Fisq, Dhulm less then Dhulm.*

From Tāwus: **(And whosoever does not judge by what Allāh has revealed, such are the Kāfirūn)** He said: *This is not the Kufr which expels you from the Millah.*

These reports from Ibn Abbās show us that in relation to this matter there could be a situation where the Kufr is not of the greater Kufr which expels you from the Millah rather

is of the lesser type. What helps us understand these texts is the explanation from later scholars from before.

Ibn Qayim commented in Badā'a at-Tafsīr 2/112:

Ruling by other than what Allāh (swt) reveals comes in two types of Kufr, lesser or greater, depending on the situation of the ruler. If the person who does this believes in the obligation of the Shari'ah in this one matter, and that he has left this and has caused him to fall into sin. By him being sinful he acknowledges that he should be punished for it and asks for forgiveness for this, this is Kufr Asghar. If he believes it is not fard to follow Allāh (swt) and he has in own choice in one matter and he knows that Allāh (swt) is the Hākim. If he falls into this description in one matter this is Kufr Akbar.

As you can see from the statement the reference to Kufr Asghar is when the ruler is generally ruling by what Allah (swt) revealed and does not do so in one matter (not all matters). The Ulemā' from before could never have imagined someone ruling by Kufr in every matter to be Muslim. It can also be seen that the reference of Kufr Asghar is not one which is given generally rather is specific to certain conditions mentioned above. From this we can also appreciate the person who falls into ruling by non-Islām knows and acknowledges that Allāh (swt's) law is better than what he is ruling by... He loves the law of Allāh (swt) and to follow it and prefers it over his own ruling in that matter but has fallen into sin for whatever reason. Outwardly he feels bad about it and internally he feels bad about it like a sinful person would. This is the details given by In Qayyim regarding the Ruler who falls into Kufr Asghar... is there any comparison with this description to the description of the rulers we have today?!

Ibn Abī al-Izz al-Hanafī comments in his Sharh of Tahāwīyah:

Ruling by other than what Allāh (swt) revealed could be the Kufr which expels you from the Millah. It could be a grave or lesser sin. It could be a lesser form of Kufr depending on the situation of the Ruler. If he believes the Hukm of Allah is not Wājib upon him or he chooses to do what he wants... or does not give importance to the Hukm of Allah... this is Kufr Akbar. But if he believes he has to follow the Hukm of Allāh (swt) but in this specific circumstance he has left it and acknowledges that he should be punished for it, then he is sinful, for this one is Kufr Asghar.

It can be seen that the two explanations from Ibn Qayyim and Ibn Abī Izz are similar in meaning and clarify for us the attributes of Kufr Asghar and which type of ruler it applies to.

Shaykh Muhammed Ibn Ibrāhīm comments in Risālat ul-Qayimah Tahkīm al-Qawānīn:

As for the second division of the Kufr of Ruling by other than what Allāh revealed, And it is that which does not cause one to leave the Millah, we have brought the Tafsīr of Ibn Abbās regarding the Ayah (And whosoever does not judge by what Allāh has revealed, such are the Kāfirūn) This encompasses this division (Kufr Asghar) and that is in the statement of Ibn Abbās (ra) on this Ayah; Kufr without Kufr... not the Kufr which your mind is going to. And that is the Hākim who takes his desires over what Allāh (swt) revealed in one matter. Whilst believing the Hukm of Allāh (swt) and his Messenger (saw) is the absolute truth and he recognises himself that he is on mistake and error.

Again this is again similar to what has been said by Ibn Qayyim and Ibn Abī Izz, in one matter, believing that he has fallen into mistake. There are many more explanations from the Scholars we can go into but from the above we can understand the attributes and where the Tafsīr of Ibn Abbās applies.

To add to this when we read the statements of the Salaf we look at the time and reality it was said in. The statements of Ibn Abbās have been given so much oppression by the people taking them out of the context it was said in and apply it on a context where it does not apply. And you attribute to Ibn Abbās what he never intended to say in another circumstance and have oppressed his understanding greatly.

The first thing we need to appreciate is that the statements of Ibn Abbās were made upon the believers of his time Banu Umayyah who were the rulers of his time who did not disbelieve. The evidence for this claim is as follows to refute those who put it out of context.

Narrated Sunan Abī Dawūd No.3053 Narrated from Ibn Abbās himself who said regarding the Ayāt **(And whosoever does not judge by what Allāh has revealed, such are**

the Kāfirūn) To (Dhālimūn) *These three Ayāt where revealed for the Jews, specifically for Banī Quradha and Banī Nadhīr.*

We understand that when these Ayāt where revealed for the Jews they are Kāfir in the first place so the Kufr intended here is the greater Kufr and cannot state that what Allāh (swt) initially intends here regarding these Ayāt the lesser Kufr when they where revealed for the Jews.

So what made Ibn Abbās say to the other people; *this is not the Kufr your mind is going to.* Ibn Abbās was asked regarding the rulers of his time who fell into a few mistakes in which they where not in accordance to the Shari’ah of Allāh (swt) but generally ruled by the Shari’ah. This caused him to give the verdict of Kufr Asghar.

Similarly Ibn Abbās is trying to counter the incorrect meanings of the Khawārij who where making Takfīr on Ali and Muāwiyah (ra) and on other Sahābah. This caused Ibn Abbās give the verdict that he did. In that circumstance he replied as he did, Kufr Asghar; not the one they are thinking about. What helps us understand is that the very statement of Ibn Abbās states; *it is not the Kufr you are thinking of.* So he was referring to the people that where directly asking him and not making a general comment on the matter. So they where saying to Ibn Abbās and wanting explanation as to how they reconcile the statement of Allah (swt) **(And whosoever does not judge by what Allāh has revealed, such are the Kāfirūn)** with what their rulers where doing at the time i.e. opposing the Shari’ah in a few matters. As well as the Khawārij who where making Takfīr on the best people based upon that Ayah. And upon this situation and circumstance he Ibn Abbās replied as we have shown. If we find the same circumstances that Ibn Abbās was facing we would have no problem with declaring the ruling of Kufr as the lesser one. It is not allowed to take the statements of Ibn Abbās and apply it to those rulers who are fighting Islām from every angle, circumstances which are complete opposite to those he Ibn Abbās was not under. As well the statements of Ibn Abbās are not explained by himself but are backed up from the Sunnah of the Messenger (saw) which also shows the same meaning.

The Messenger (saw) said: *The knots of Islām will be untied one by one, whenever one is untied they will hold to the remaining ones with more firmness, the first to knot be untied is the Ruling, the last to be untied is the Salāh.* [Reported by Ibn Hibān, Ahmad amongst others. Sahīh Targhib 571]

When the messenger said, the knot of *al-Hukm*, this means that the system of governance will change from *Shūrah* to inheritance. These Hadīth show that despite the knot of ruling being untied and passing leadership through inheritance, they (those in ruling) still remain Muslim, as many knots after that will be untied the last one being Salāh the most important. What proves this further more clearly is the following Hadīth.

The Messenger (saw) said: *The first to change my Sunnah will be a man from Banī Umayyah.* [Silsilah Sahīhah 1749] The change being mentioned here is the Sunnah of passing leadership through inheritance rule rather than the Ummah or the people of influence electing.

Despite this Hadīth speaking about leaving the Sunnah, which the Ulemā' agree was Muāwiyah, not one scholar made Takfīr of him because this changing of system of leadership is not Kufr. We cannot even apply Kufr Dūna Kufr to Muāwiyah or his son as they done Ijtihād, upon which their incorrectness is one reward and this division is in addition to and different from ruling by other than what Allāh (swt) revealed which is either Kufr Akbar or Asghar. We understand that the reason why he gave the ruling onto his son for the greater betterment of the Ummah and to maintain the unity and security. And we know of the Hadīth of the Messenger (saw) who said; *If the Hākim (ruler) makes Ijtihād and is mistaken he gets one reward and if he is correct he gets two rewards.*

Another point to mention is that we not apply Kufr Dūna Kufr upon any of the Sahābah rather to those who came after them and the Messenger (saw) said: *If you hear my Sahābah being mentioned hold your tongues.*

It maybe you may say something or insult them without meaning to. Either you speak good about them or leave the matter. Do not try to become a judge over them, what type of a truthful judge can you claim to be trying to judge these people. How can you put

yourself a judge in front of the giants of our Ummah who made history for us and established the Dīn.

There is more evidence relating to this concerning Hujāj, from Sunan Abī Dawūd from Aāsīm who heard Hujāj who was on the Minbar and said: *'fear Allah as much you can, listen and obey to your Amīr Abdul Malik, if I ordered the people to leave the mosque by this door and they go by another door, their blood becomes permissible for me. If I were to take out one tribe out of retaliation for this, Allāh (swt) has made this Halāl for me'*. Hujāj said regarding Abdullah Ibn Masūd (who used to speak out against him) *'O the one who hurts me who claims his recitation is from Allāh (swt), his recitation is from the dirt of the poetry of the Jahil Arabs and not what Allāh revealed to his Messenger'*.

We know that the Messenger (saw) said: *If any one wishes to refresh his recitation of Qur'ān the way Allah (swt) revealed go and listen to Abdul* [Reported by Ahmad, amongst others, Sahīh al-Jām'e Saghīr 5961]

So you see the rejection of Hajāj of the Dīn... despite this some Ulemā' did not make Takfīr upon him and made some explanations and excuses applying Kufr Dūna Kufr to him. The one who gives *Fatāwa* without knowledge we do not call him Kāfir. The one who has a *Fatwa* from a person who has knowledge and is mistaken in it, the sin goes back to the person who gave it, this has been narrated from the Messenger (saw) which is showing the one who gives *Fatāwa* without knowledge is sinful however not guilty of Kufr.

Question: Regarding the rulers of today... can we apply upon them the statements of Ibn Abbās regarding Kufr Dūna Kufr. We say: This question has been answered by the explanations we have presented from the texts above and which we should take and ask to the Murji'ah of our times... Are the rulers of today are on the same level as the rulers of the past upon which the ruling of Kufr Asghar was applied? And can we use the same statements of Ibn Abbās that were applicable to rulers with certain attributes to the rulers of today.

Question: Is it correct to say that the one who rules by other than the Shari'ah because of his desires... that is Kufr dūna Kufr. But at the same time the *Hawā* has been described as a Tāghūt which is worshiped other than Allah (swt) so how can this be Kufr dūna Kufr.

We answer: There are two types of obedience to desire, that of Kufr Akbar and that of Kufr Asghar. The first one which expels you from the Millah and is the obedience which makes you commit Kufr. You make your desires as the standard for good and bad, i.e. the lord to judge everything around you. This is what Allāh (swt) means when he says **(Have you (O Muhammed (saw)) seen him who has taken as his ilāh (god) his own desire? Would you then be a Wakīl (a disposer of his affairs or a watcher) over him?)** [EMQ al-Furqān:43]. Instead of making of Allāh (swt's) judgment the most high he makes his *Hawā* the most high and this person takes the description of Kufr Akbar.

The second type of obedience which causes you to do action which is sin and *Fusq* however not Kufr Akbar, i.e. drinking, stealing and the like and this takes the description of Kufr Asghar. As Allāh (swt) says **(So follow not the lusts (of your hearts), lest you may avoid justice)** [EMQ an-Nisā':135]. And Allāh (swt) says; **(But as for him who feared standing before his Lord, and restrained himself from impure evil desires, and lusts. Verily, Paradise will be his abode.)** [EMQ Naziāt:40-41].

The Second Type: Ruling By Other Than What Allah Revealed (Kufr Akbar)

Ruling by other than What Allāh (swt) has revealed which causes expulsion from the Millah has a number of attributes which are as follows;

The First Attribute

He does not rule by any of what Allāh (swt) has revealed knowingly. Someone who is Muslim would at least follow some of the Shari'ah without doubt, but in this case he does not follow anything at all. Anyone who completely leaves and abandons the whole Shari'ah of Islām there is no way we can say he is Muslim.

One of the signs of love to the Messenger (saw) and Allāh (swt) is that you follow their way. The amount that you obey and follow the Messenger shows the amount of love you have for him. The more you obey and follow him is evidence of the more you love him. There is no scholar that is worthy of himself who would apply the Tafsīr of Ibn Abbāss on the situation of the one who rules completely by Kufr ! Allāh (swt) says;

Say (O Muhammed (saw) to mankind): "If you (really) love Allāh then follow me (i.e. accept Islāmic Monotheism, follow the Qur'ān and the Sunnah), Allāh will love you and forgive you of your sins. And Allāh is Oft-Forgiving, Most Merciful." [EMQ al-Imrān:31]

Ibn Kathīr in his Tafsīr 1/366 said regarding this ayah:

You can use this ayah to judge every one who claims that they love Allāh (swt) but they do not follow the way of the Messenger (saw). So whoever claims that he loves Allāh (swt) but does not follow the way of the Messenger (saw) he is a liar and his claim is false until he follows the Shariah of the Messenger (saw) and his Dīn in everything that he did and said.

Shaykhul-Islām Ibn Taymiyah said in his Fatāwa 8/360:

Anyone who claims that he loves Allāh (swt) but does not follow the Messenger (saw) he is a liar. His love is not for Allāh (swt) alone, nay his love in it is the love of Shirk, because he is associating with Allāh (swt) another God, indeed he is following his own Hawā. Like the Jews and Christians

claim the love Allāh (swt) if they where really sincere in their claim they would have followed the Messenger (saw). Once you love the thing which Allāh (swt) hates, your love is that of Shirk.

Ibn Qayim said in al-Madārij 1/99:

*If they were true in their love then they would have followed Allāh (swt's) orders and stayed away from what Allāh (swt) prevented them from doing. The realisation of love is following what Allāh (swt) ordered you and leaving what Allāh (swt) forbade. When you find them following the orders of Allāh (swt) then you see their love clearly. The following of the Messenger (saw) is a sign of your love and is a witness for those who claim to love the Messenger. And Allāh (swt) says **(Say: If you really love Allāh then follow me)**. Allāh (swt) has made following the Messenger (saw) a condition of your love for Him (swt) and a condition upon Himself (swt) to love you... It is impossible to confirm their love to Allāh or Allāh's love to them except with the following of the Messenger (saw).*

The Second Attribute

The one who rules by some of Shari'ah but in relation to Tawhīd he does not implement it. The one who does not rule by Tawhīd contains and rules by Shirk, how does he do so? He puts down law and order which accepts Shirk and allows it to be present and spread; he implements laws which allow people to worship Idols or graves etc.

Shaykh Mohammed Ibn Wahab says:

There is no disagreement that Tawhīd must be present in your heart, speech and action. And if any of these aspects are not there then the person is not a Muslim. If anyone knows Tawhīd but does not act upon it he is a stubborn disbeliever like Firawn and Iblīs and the likes of them. [Kashf al-Shubuhāt P.179]

Shaykh Sulaymān Al-Shaykh (ra) said in his book Tawhīd ul-Khalāq P.41:

"If we realise the meaning of the verse that is, ruling by other than what Allāh (swt) has revealed if it is in relation to the foundations of Tawhīd and leaving Shirk (association) or if it is in relation to the branches (of Tawhīd) and one did not declare it and instead rejected it in the heart then this is true disbelief devoid of any belief."

So you see how the scholars made distinction on ruling by other than what Allāh (swt) revealed in Tawhīd and in the branches of Shari'ah.

The Third Attribute

The Ruler who rules by other than what Allāh (swt) revealed and rejects it (Jahūdan) and permits (Istihlālan) other than the ruling of Allāh (swt). For this there is also no disagreement between the people of knowledge that it is Kufr which expels you from the Millah.

Juhud has four circumstances in which it may fall into. Sometimes it could be just in the heart. It could be rejection in the tongue without the heart. It could be of the Actions or it could be all four of them at once.

1. Rejection of the Heart. The evidence for this type of Juhud is the description of the Hypocrites whom in their heart they reject what Allāh (swt) revealed but on the tongue and actions they show that they are Muslim. There is no doubt they are Kufār and are in the lowest depths of the hellfire. And Allāh (swt) says; **Verily, the hyprocrites will be in the lowest depths (grade) of the Fire; no helper will you find for them.** [Emq an-Nisā':145]

2. Rejection of the Tongue. The explanation of this is found in that of the Jews. Apparently on their outer they used to reject Islām and the Ayahs of the Qur'ān but in their hearts they knew what came was the truth. Because of their rejection of the tongue, they were labelled as disbelievers. And Allāh (swt) says:

Those to whom We gave the Scripture (Jews and Christians) recognise him (Muhammed (saw) or the Ka'bah at Makkah) as they recognise their sons. But verily, a party of them conceal the truth while they know it - [i.e. the qualities of Muhammed (saw) which are written in the Taurāt (Torah) and the Injeel (Gospel)] [EMQ al-Baqarah:146]

And they belied them (those *Ayāt*) wrongfully and arrogantly, though their ownselves were convinced thereof [i.e. those (*Ayāt*) are from Allāh, and Mūsa (Moses) is the

Messenger of Allāh in truth, but they disliked to obey Mūsa (Moses), and hated to believe in his Message of Monotheism]. So see what was the end of the *Mufsidūn* (disbelievers, disobedient to Allāh, evil-doers, liars.). [EMQ an-Naml:14]

3. Rejection by Actions. Ones actions can be a more correct representative of the heart then the tongue. For example, when you see someone doing Sujūd to an idol, his apparent bears testimony to him. And Allāh (swt) says;

It is not for the *Mushrikūn* (polytheists, idolaters, pagans, disbelievers in the Oneness of Allāh), to maintain the Mosques of Allāh (i.e. to pray and worship Allāh therein, to look after their cleanliness and their building, etc.), while they witness against their ownelves of disbelief. The works of such are in vain and in Fire shall they abide. [EMQ at-Tawbah:17]

The scholars commented on how they came testifying upon themselves that they where on Kufr without saying anything. Their circumstances and life was of Kufr, it shows and they did not need to say anything to prove that.

Ibn Kathīr in his Tafsīr regarding this ayah states; *the idolaters do this while they themselves testify to their disbelief with their statements and actions.*

Imam Baghawī says in his Tafsīr that Hasan al Basri said; *they never said that we are Kufār however their speech testifies to that.* Dhahāk reported from Ibn Abbās; *their testimony of Kufr upon themselves was that they do Sujūd to the Idols.*

In a Hadīth reported in Abu Dawūd No.3744 amongst others, that Barā'a Ibn Azāb said: *I found my uncle with a flag, I said what do you want ? He said; The Messenger of Allāh (saw) has sent me to a man that married the wife of his father, and he (saw) ordered me to strike his neck and to seize his wealth.* In Ahmad there is an addition in the narration which helps us understand further, he (the uncle) says; *I did not ask him anything or speak with him, I went upon killing him and seizing his wealth without asking him anything or speaking with him.*

So the person was not investigated as to whether he actually committed the crime or believed in its permissibility, it was known what he had done and he was killed upon the order of the Messenger (saw) as an apostate. Marrying from those that have been made prohibited to you is a major sin yet it is not Kufr which expels you from the Millah. However in this case he was expelled from Islām and the evidence for his rejection and Istihlāl was that he got married publicly in front of all the people and had celebration which are his apparent actions and evidence of his rejection and making it permissible, hence it was not investigated by the Sahābī and the punishment was carried out.

4. Rejection in Every Aspect, in what Allāh (swt) revealed on the inner and outer, in the heart and the tongues and the actions. There is no doubt that such person is not a believer.

There is a statement from some of the people of knowledge that we need to understand correctly and is mentioned in Aqīdah Tahāwiyah amongst others and that is *A servant does not come out of Islam except by rejecting what made him Muslim in the first place*. We say; Juhud in this statement can be any of the four types, in addition to that is that a person may fall into Kufr by other than Juhud.

The Fourth Attribute

The ruler who does not rule by Islam because he hates with aversion and is repellent to it, even if it is in one single matter, it is enough to make him disbeliever. And Allāh (swt) says;

But those who disbelieve (in the Oneness of Allāh Islāmic Monotheism), for them is destruction, and (Allāh) will make their deeds vain. That is because they hate that which Allāh has sent down (this Qur'ān and Islāmic laws, etc.), so He has made their deeds fruitless. [EMQ Muhammed:8-9]

So you see their disbelief and the futility of their actions – and actions are not rendered futile except with Kufr and Shirk – because of their hatred of Allāh (swt) revealed upon the messengers and prophets from the religion its rulings and Shari'ah. Allāh (swt) says:

And they will cry: O Malik (Keeper of Hell)! Let your Lord make an end of us." He will say: "Verily you shall abide forever. Indeed We have brought the truth (Muhammed (saw) with the Qur'ān), to you, but most of you have a hatred for the truth. [EMQ Az-Zukhruf 77-78]

So the reason most of them are abiding in the fire for eternity is because they used to have hatred for the truth which came to them from their lord. And Allāh (swt) says:

Verily, those who have turned back (have apostated) as disbelievers after the guidance has been manifested to them, *Shaitān* (Satan) has beautified for them (their false hopes), and (Allāh) prolonged their term (age). This is because they said to those who hate what Allāh has sent down: "We will obey you in part of the matter," but Allāh knows their secrets. [EMQ Muhammed:25-26]

We say; Those who turned back and disbelieved after the truth and guidance was made clear to them was because they said to those who hate what Allāh (swt) revealed that we will obey you in some matters. Then what about those who obey those who hate what Allāh (swt) in every matter..?? There is no doubt that they are first in Kufr and apostasy from Islām and we seek refuge from Allāh (swt).

The Fifth Attribute

The ruler prefers man made law over Allāh (swt's) laws, though he does not reject or hate them rather acknowledges them. However he prefers or makes equality with the rule of man, on the grounds that it suits more the needs of the people or the needs of the times more then the ruling of Allāh (swt) or other forms of differentiation. There is no doubt that is the greater form of Kufr which takes one out of the fold of Islām, as explained in the text regarding this by Shaykh Muhammed Ibn Ibrāhīm al-Shaykh in the valuable Risālah Tahkīm al-Qawānīn.

There is nothing like unto Him, and He is the All-Hearer, the All-Seer. [EMQ al-Shūrah:11]

This ayah negates all types of similitude between what we have and what Allāh (swt) has. So there is nothing like Allāh (swt) from the creation, nothing like himself, nor in his qualities, nor in his attributes, nor in his speech, nor in his ruling, not in his characteristics or actions.

We find that if similitude is made with Allāh (swt) in his names and attributes it is rejected and refuted thoroughly or the same if one was to make similitude with the speech of Allāh (swt). When man made constitutions are brought forward and preferred over the law of Allāh (swt) that is brushed aside and remained silent upon, though we know nothing is like the Sharī'ah of Allāh (swt) and the same way it is Kufr to make similitude in his names and attributes to man likewise it is Kufr to make similitude in the ruling. And Allāh (swt) says:

Do they then seek the judgment of (the Days of) Ignorance? And who is better in judgment than Allāh for a people who have firm Faith. [al-Mā'idah:50]

The Third Type: Neither Kufr Asghar or Kufr Akbar

There is a third type of description in which the ruler does not fall into Kufr Akbar or Kufr Asghar. The one who rules by what Allāh (swt) revealed in everything but in one ruling he makes Ijtihād but he falls into that which is mistaken and not correct from the Shari'ah. We say that is not Kufr Asghar or Akbar but rather he will be rewarded for this type of Ijtihād, as mentioned in a Hadīth Sahīh; *When the ruler does Ijtihād and is correct for him is two rewards. When he does Ijtihād and is incorrect, for him is one reward.* [Agreed Upon]

For this division there are attributes which are as follows. The first description is that in all matters they try and rule by what Allāh (swt) revealed and are always looking for the truth. The second description is that their Ijtihād is always where there is no text. If there is text present then there is no Ijtihād and this description does not apply to him. His Ijtihād does not lead him to oppose that which is from the Shari'ah. He changes to the Haq when he has realised that he has gone against the revelation and changes and does not stay upon his error upon realisation. Having said this, he must have the characteristics of a person that can make Ijtihād i.e. is person of knowledge and not just a layman. Upon these descriptions the person falls into the third category of that of reward and not of Kufr Akbar or Asghar.

Summary

The ruling by Kufr can be of three situations the first being Kufr less than Kufr. The Second one being Kufr Akbar and the one who falls into that is Kāfir. The Third one is the Hākim who is at level of a Mujtahid and makes Ijtihād but falls into mistake. Anyone who wants to speak about this matter in reality must appreciate all these divisions and their descriptions in order to apply them correctly.

Those people who disagree with us may not have problem with these divisions, but their problem is applying them upon reality. They mix between them and take them out of their context, placing them on where they do not apply. Those who disagree with us on this matter are of three types upon applying rulings upon the reality.

The First Type; they know all the divisions and texts of Shari'ah but they do not understand the reality upon which they apply hence are unable to apply the texts correctly upon it. The Second type are those that completely understand the reality of the systems and rules of Kufr more than anyone however they do not understand the texts and rules of Shari'ah pertaining to that. The Third type are the most sick of them all, they understand the texts and rules of Shari'ah and know the reality of the situation upon which it applies as well but hide the truth to the people and their actions are a type of concealment. They are in a dangerous situation and will be accounted on the day of judgement.

The Second Action

Replacing the Sharī'ah with another Sharī'ah

This situation is in addition to ruling by other than what Allāh (swt) revealed. This is to leave the Sharī'ah to one side and rule by another Sharī'ah on the other. Whoever replaces the Sharī'ah with another Sharī'ah they have concurrently ruled by other than what Allāh (swt) revealed. Just because one does not rule by what Allāh (swt) revealed does not mean he has replaced it by another Sharī'ah, however the one who replaces the Sharī'ah, we say he has ruled by other than what Allāh (swt) has revealed. The one who replaces is the one who knows what the Sharī'ah is and replaces it knowingly with another Sharī'ah and implements it over the people, there is no doubt this is Kufr, whether he has made it permissible (Istihlāl) or not is irrelevant as the action by itself is Kufr. Previously we mentioned that in ruling by other than what Allāh (swt) revealed can be of Kufr Asghar of Kufr Akbar however regarding the replacement of the Sharī'ah there is no such division and is considered Kufr Akbar by itself. Replacement cannot occur except by you preferring something over it, everyone who replaces the Sharī'ah in itself indicates preference which we know is Kufr Akbar and Allāh (swt) says: **Do they then seek the judgement of (the Days of) Ignorance? And who is better in judgment than Allāh for a people who have firm Faith.** [al-Mā'idah:50] Any ruling which contradicts the Sharī'ah of Allāh (swt) irrespective from where or who it comes from is the judgment of ignorance (Jahiliyyah).

Ibn Kathīr in his Tafsīr 2/70, regarding this Ayah states:

Allāh (swt) criticizes those who ignore his (swt's) commandments, which include every type of righteous good thing and prohibit every type of evil, but they refer instead to opinions, desires and customs that people themselves invented, all of which have no basis in Allāh (swt's) religion. During the time of Jahiliyyah, the people used to abide by the misguidance and ignorance that they invented by sheer opinion and lusts. The Tatar (Mongols) abided by the law that they inherited from their king Genghis Khan who wrote Al-Yāsiq, for them. This book contains some rulings that were derived from various religions, such as Judaism, Christianity and Islam. Many of these rulings were derived from his own opinion and desires. Later on, these rulings became the followed law among his children, preferring them to the Law of the Book of Allāh and the Sunnah of His

Messenger. Therefore, whoever does this, he is a disbeliever who deserves to be fought against, until he reverts to Allah's and His Messenger's decisions, so that no law, minor or major, is referred to except by His Law. Allah said (Do they then seek the judgment of (the Days of) Ignorance? And who is better in judgment than Allāh for a people who have firm Faith.)

Ibn Kathīr In Bidāyah wal-Nihāyah 13/128, states;

So whoever leaves the clear cut law revealed to Muhammad bin 'Abdillāh the final of the Prophets, and arbitrates to other sources for judgment, such as abrogated laws, so how about those who arbitrate to 'Al-Yāsiq' and precede it upon it? Whoever does so has disbelieved according to the agreement of the Muslims, Allāh (swt) says (Do they then seek the judgment of (the Days of) Ignorance? And who is better in judgment than Allāh for a people who have firm Faith.)

Shaykh Ahmad Shākir said in relation to what Ibn Kathīr commented regarding this;

Is it allowed, having said all this, in the Dīn of Allah (swt) to rule the Muslims in their countries with laws which have been taken from European Idolatrous Infidels... Nay they are rejected laws which are subject to their desires and opinions and ballots which change as they please, without care if it disagrees or not with the Shari'ah of Allāh (swt). The matter of these man made laws is clear as the clarity of the sun, it is open and clearcut Kufr which there is no secret or flattery about. There is no excuse for anyone who ascribes to Islām, whoever he may be, to act upon it, or submit to it, or recognize it. So each person should be careful for himself and take note of himself. [Umdat at-Tafsīr 4/174]

Shaykh Hāmid al-Faqhī in Hāshiyatah A'lā Fath al-Majīd Page.396 commenting upon what was mentioned by Ibn Kathīr regarding al-Yāsiq: *And what is similar to this and that which is worse then it, like those who take the speech of the French law and order and arbitrate to it in matters relating to blood honor and wealth, and prefer them over and above the knowledge clarity from the book of Allāh and the Sunnah of his messenger (saw), there is no doubt he is a Kāfir apostate, if he insists upon it and does not return to ruling by what Allāh (swt) revealed. Any Muslim name he calls himself will not benefit him, and neither will any actions from the clear actions such as Salāh, Siyām, Hajj and the likes.*

From the evidences for disbelief of the ruler who replaces the Shari'ah of Allāh (swt) are the three Ayāt from Surah Mā'idah; **(And whosoever does not judge by what Allāh has**

revealed, such are the Kāfirūn) and (And whosoever does not judge by what Allāh has revealed, such are the Dhālimūn) and (And whosoever does not judge by what Allāh has revealed, such are the Fāsiqūn). We say these Ayāt were revealed in relation to the Jews who changed and replaced the rulings of Allāh (swt) with their own, as mentioned in Shaykh Albānī's Silsilah Sahīhah 6/2552 as follows.

Ibn Abbās said, “Allāh revealed them with regards to two groups from the Jews one of which had overpowered the other to the point that they consented to and agreed that for every person that the victorious tribe (*al-Azīza*) killed from the subjugated tribe (*adh-Dhalīlah*) then the ransom was 50 Wasq (a unit of weight), and that for every person the subjugated tribe killed from the victorious then the ransom was 100 Wasq, and they remained in this state until the Prophet arrived in Madīnah and then both the tribes were subjugated, and that day they did not overcome him because of the peace treaty . Then the subjugated tribe killed a person from the victorious tribe and the victorious tribe sent someone demanding 100 Wasq. So the subjugated tribe said: ‘can this ever be that two people have the same religion, same genealogy, same city and the ransom for some of them be half of the others? We only used to give you this ransom due to your injustice to us, and now that Muhammad has come we will not give you this.’ So a war almost started between them and then they agreed to make the Messenger of Allāh judge between them. Then the victorious tribe said: ‘by Allāh, Muhammad will not give you twice the sum of what we gave them for they (the subjugated tribe) spoke the truth, they did not give us this ransom except as an injustice on our part and due to our power over them. So secretly send someone to Muhammad who can inform you of his opinion, if he gives you what you wish then agree to have him arbitrate, and if he does not then beware and do not agree to have him arbitrate.’ So they sent some people from the hypocrites to Muhammad. So when the Messenger of Allāh came, Allāh informed him of all of their affair and what they desired and He, Azza wa Jal, revealed, **(O Messenger! Let not those who hurry into disbelief grieve you, of such who say: ‘we believe’...)** to His saying, **(And whosoever does not judge by what Allāh has revealed, such are the Fāsiqūn)** Then he (Ibn Abbās) said, “By Allāh they were revealed with regards to these two (Jewish tribes), and it was these two that Allāh, Azza wa Jall meant (in these verses)” Related by Ahmad (1/246), at-Tabarānī in ‘al-Mu’jam al-Kabīr’ (3/95/1)

Points of benefit and understandings from the Hadīth:

1. These three Ayāt are mentioned for an action which is a greater Kufr and Fusq i.e. Kufr Akbar, Fusq Akbar, Dhulm Akbar, as they were revealed for Jews who are disbelievers in the first place.
2. The Jews deserved this ruling as they wished to exchange the judgment of the Messenger (saw) with the judgment they had from before. The reason for their disbelief was to replace the Sharī'ah of Allāh (swt) with their own.
3. When the Jews left the ruling of Allāh (swt) for their own, they were aware of what they were doing and knew they were being oppressive in this exchange. They knew they were wrong but they still did the action. They were made Takfīr upon that, irrespective of what they believed in their heart. This is because they exchanged the ruling of Allāh (swt) with their own.
4. In their replacement they wanted both parties to agree by it and rule and judge by this law, though it was known by both of them that it was from other than Allah (swt) as the weaker ones said '*We only used to give you this ransom due to your injustice to us.*' Though they did not believe in their heart and were against the Kufr law, the three Ayāt of Māi'dah came upon them as Kufr Akbar as mentioned in point one.
5. Any ruler from any of our countries who falls into this same mistake and same attributes, falls into the same ruling as the Jews. Though the verses were revealed for them, they are general and apply on anyone who falls into the same attributes. It is not fair for us to make all the sourness for the Jews and the sweetness for the Muslims i.e. if the Jews replace the Sharī'ah they are Kufār but if the Muslims replace the Sharī'ah they do not become Kufār, the ruling applies to both.

Abī Bukhtarī said: *One man asked Huthayfah about these verses, he said: Were they not revealed for Banī Isrā'īl? Huthayfah said: Yes they were revealed for your brothers from Banū Isrā'īl. It is*

not for them all the bitterness and for you all the sweetness, by Allāh you will follow their path step by step.

Ibn Masūd and Hasan al-Basrī said: *These verses are general and apply to anyone who does not rule by what Allāh (swt) has revealed from the Muslims, Jews or disbelievers.*

From Thawrī, Mansūr and Ibrāhīm who said: *These verses were revealed for Banī Isrā'īl, and Allāh is happy with these verses for this Ummah*

Ibn Jarīr Tabarī mentions with narration to Hasan who said: *They were revealed for the Jews, and they are binding upon us.*

6. They did not become disbelievers because of making Istihlāl (believing in their heart to rule by other than what Allāh revealed) they never claimed that what they were ruling with is from Allāh (swt) and the Hadīth does not indicate that. Rather it indicates that they became disbelievers because they replaced what came from Allāh by what they have from themselves though they knew they was wrong in doing that.

Some of the current day scholars say that you only become disbelievers, if you replace the Sharī'ah with Kufr, only if you claim that the Kufr you are replacing it with is also from the Sharī'ah of Allāh (swt). For these scholars the ruler can only become a disbeliever if the ruler ruling by Kufr says it is from Allāh (swt) when it is not. Such statements are against the ration and more importantly the book of Allāh (swt) and his messenger (saw) and the evidences we mentioned.

The Hadīth has been verified by Shaykh Albānī (Rahimuhullāh) and contained within his Silsilah, but how did he understand and comment upon it? We are forced to speak about the Shaykh's understanding as it has become the reference point that is followed upon this matter amongst the Muslims and has become a school in itself with harmful consequences. not because of arrogance or to show that we are speaking over the Shaykh. We mention it so we can distinguish the right from the wrong and elucidate the matter to be fair and for the truth to prevail, this is more dear to us than those people we love for the sake of Allāh (swt) for their knowledge.

Shaykh Albānī comments in his Silsilah:

When you know that the three verses, **(whosoever does nor rule by what Allāh revealed then they are Kāfir), (then they are Dhālim), (then they are Fāsiq)** were revealed with regards to the Jews and their saying over his (saw) judgement, *“if he gives you what you want then agree to have him arbitrate, but if does not then beware and do not agree to have him arbitrate”* - this saying which the Qur'ān points to before these verses, *“they say: if you are given this then take it, but if you are not given this then beware.”* - when you understand this then it is not permissible to take these verses to refer to some of the rulers and judges of the Muslims who rule by other than what Allāh revealed in the earthly laws.

I say: it is not permissible to declare them Kāfir due to this, and to eject them from the religion, when they are believers in Allāh and His Messenger (saw), even though they are sinning by ruling by other than what Allāh revealed - this is not permissible. Because even though they are like the Jews from the point of view of their ruling (by other than what Allāh revealed), they differ from the point of view that they have faith and conviction in Allāh contradicting the Jews, for indeed they rejected the Messenger (saw) as indicated in their previous saying, *“but if he does not then beware and do not agree to have him arbitrate.”*

And the reason behind this is that Kufr is of two types: Kufr in belief and Kufr in action, and the Kufr in belief is linked to the heart, and the Kufr in action is linked to the limbs. So the one whose actions are Kufr due to their contradicting the Shari'ah, and this Kufr follows on from what has become established in his heart i.e. Kufr in belief, then this is the Kufr which Allāh will not forgive and this person will reside in the Fire forever. But if (these Kufr actions) contradict what is established in his heart, then he is a believer in the Rule of his Lord, but he contradicts this with his actions. So his Kufr is Kufr of action only, and it is not Kufr in belief. And he is under the Will of Allāh, if He Wills He will punish him, and if He Wills He will forgive him". End of quote from Shaykh Albānī.

We comment upon this understanding of the Shaykh with the following:

How do we make agreement with Shaykh Albānī mentioned; '*they differ from the point of view that they have faith and conviction in Allāh contradicting the Jews*,' and what we established was the Aqīdah of Ahlus-Sunnah wal-Jamā'ah that Īmān is belief, sayings and actions, likewise Kufr takes place in the belief, sayings and actions as explained in the first introduction..? Though the Shaykh affirmed the Kufr of the replacement of Sharī'ah and the rulers doing the same action, he negates Kufr for them because they have conviction of Allāh (swt) in the heart in opposition to the Jews. Shaykh Albānī restricted the ruling of Kufr (disbelief) and left it hanging upon what is in the heart alone. And this was the belief of Jahm Ibn Safwān in the past, that Īmān and Kufr takes place only in the heart not by actions or speech, for which the Ulemā' rejected him.

We ask as well, how do we know of the conviction or rejection of the ruler in the heart and how do we establish that? We say the one who knows what is in the heart is Allāh (swt) alone. If the action is not proof of what the person believes in the heart then how do we establish what is in the heart? Again what has been said by the Shaykh goes against the established principle from the evidences in the fourth introduction that 'the ruling of Kufr & Īmān is built upon the apparent not upon the hidden'.

The statement of Shaykh Albānī also shows misunderstanding in the division of Kufr into that of belief and that of actions, and disbelief only taking place in Kufr Akbar Itiqādī and not Kufr Akbar Amalī. There is much other speech of the Shaykh which shows that he limited Kufr to that which is in the heart alone.

Shaykh Albānī also mentions the Kufr of the Jews is that they made rejection *Ishtihlāl*; "*for indeed they rejected the Messenger (saw) as indicated in their previous saying, "but if he does not then beware and do not agree to have him arbitrate."*" However, we ask where is the proof within this text that was mentioned in the Hadīth that shows their rejection in the heart? It does not prove hate and rejection and belief as the Shaykh is stating. It states that if the ruling is not to their liking then they will not arbitrate to the Messenger (saw). On top of that what is mentioned in the Hadīth is that they knew what they was doing was oppressive and wrong, as mentioned in point four, in the benefits of Hadīth which has just proceeded. Despite all this Shaykh Albānī concluded otherwise and mentioned within this

his understanding of Kufr with that which does not match with the texts presented. In addition to this, we mentioned in what has passed in the section 'Rejection by Tongue' as mentioned in Surah al-Baqarah and others, stating that the Jews believed in the heart in the truth of the Islām and Muhammed (saw) and knew this from their scriptures, however their disbelief was not due to that but due to their outer rejection of what they believed to be the truth. So the comment of Shaykh Albānī regarding the Jews, that they were declared disbelievers due to their rejection of the truth internally, is an addition from him which does not reconcile with these texts and evidences mentioned.

We ask as well to those who follow this understanding how they reconcile with the agreed principle that the outer is effected by the inner and the inner effected by the outer as proven from the book of Allāh (swt) and the Sunnah of the Messenger (saw) in the sixth introduction. How can you have this contradiction where your outer is full of major Kufr, Zandaqa and the likes but your inner is full of Īmān? Ahlus-Sunnah believe that if your outer is open and clear Kufr... it is a reflection of your inner which is the same.

The reality of today proves the rulers have fallen into that which is worse than the Jews for which they were declared Kufr upon. The Jews were guilty of replacing and giving preference to one Kufr law whereas the rulers of today have giving preference and replaced all the rulings of Allāh (swt). They fight, arrest, torture and kill Muslims who oppose their Kufr and their want for the Shari'ah. Have we heard of any Jews that arrest and fight another group because they want to rule with the Torāh? The Jews do not imprison the Rabbi's for wanting to rule by their laws, but the leaders in the Muslim world imprison the scholars for wanting to rule by what Allāh (swt) revealed.

[End of commentary upon the statements of Shaykh Nasiruddīn Albānī.]

To conclude, here a few of the many statements and explanations of the people of knowledge on this matter in addition to the evidences mentioned from the book of Allāh (swt) and the Sunnah of his Messenger (saw) regarding the replacement of the Shari'ah:

Ibn Jarīr in his Tafsīr 4/592 says regarding the Ayāh: **(then they are the disbelievers)**

They are those who do no rule by what Allāh (swt) revealed in his book but instead change and replace with another law and hide the truth which Allāh (swt) revealed.

Jasās in Ahkām Fī Tafsīr says regarding the verse **(But no, by your Lord, they can have no Faith, until they make you (O Muhammad (saw)) judge in all disputes between them...)**

In this Ayāh is evidence that the one who rejects anything from what Allāh (swt) or his Messenger (saw) ordered he has left Islām, irrespective of whether his rejection is from doubt in it or rejecting of acceptance or preventing himself from submitting to it.

Ibn Taymiyyah in his Fatāwa 7/70 states:

Those who took their priests and Rabbi's as lords was when they obeyed them in what they made permissible when Allāh (swt) made it prohibited, and obeyed them in what they made prohibited when Allāh (swt) made it permissible, they have two faces, one of them that the knew they was replacing the rule of Allāh (swt) but would still follow them. They believed in what they made Halāl which Allāh (swt) made Harām, and what they made Harām which Allāh (swt) made Halāl, following their rulers knowing they opposed the Dīn of the Messenger and this is Kufr and have made partners with Allāh (swt) and his messenger.

Ibn Taymiyyah in his Fatāwa 28/524 states:

And it is known by necessity in the Dīn of the Muslims and by the agreement of all the Muslims that whoever follows a Shari'ah other than the Shari'ah of Muhammad then he is a Kāfir and it is like the Kufr of the one who believes in some of the Book and disbelieves in some of the Book.

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To Be Continued... to the Fifteenth Action Which Expels The Doer From The Millah